

REMARKS

Claims 48-51 and 53 were pending in the present application. By virtue of this response, claims 48 and 50-51 have been amended and new claims 54-62 have been added. Accordingly, claims 48-51 and 53-62 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. Support for the new claims and amendments can be found at p. 5, ll. 13-17; p. 6, ll. 3-5; p. 9, ll. 9-20; p. 10, l. 9 to p. 11, l. 2; p. 13, ll. 1-2; p. 14, ll. 7-24; p. 18, l. 18 to p. 20, l. 22; p. 22, ll. 20-23; p. 26, ll. 6-9. No new matter has been added.

Interview Summary

Applicants' counsel (Steven Giovannetti) wishes to express gratitude to Examiner Fadok for the telephone interview of November 23, 2010. During this interview, the participants (Examiner Fadok and Steven Giovannetti) discussed the art of record. The Examiner identified sections of Treyz et al. (US 6,587,835) upon which the Examiner is relying to support the rejections of the claims.

Rejections under 35 U.S.C. 103(a)

Claims 48-51 and 53 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Treyz et al. (US 6,587,835) and further in view of Trotta, Jr. (US 5,595,264).

In response, Applicants submit that the combination of art proposed by the Office Action fails to recite all of the requirements of independent claims 48 and 50-51 as amended, and new claims 53-62, and as such, does not render the pending claims obvious.

Claim 48 requires: A method for real time mobile commerce transactions comprising: receiving a selected transaction request transmitted from a mobile device to a central server, wherein the selected transaction request comprises an information search request, an information acquisition request, an information comparison request, a price request, a price comparison request, a transaction instruction request, and a transaction execution request, and wherein transmitting the selected transaction request comprises,

transmitting using a keyboard, transmitting using audible speech, and transmitting visual data, comprising data in a touch screen enabled display panel format;

receiving in the mobile device information from a coupled wireless bar code reader, wherein the information comprises at least one of product identification information, product feature information, and price information, and wherein the wireless bar code reader reads the information from a bar code chosen from a group comprising a bar code on an item in proximity to the wireless bar code reader and a bar code referring to an item not in proximity to the wireless bar code reader, wherein the coupled wireless bar code reader is one of integrated in the mobile device, and collocated with the mobile device;

setting up at least one customized search engine table to conduct a search by selecting a parameter of interest from the table;

querying at least one server regarding the selected transaction request in response to receiving the selected transaction request wherein the server uses a lookup table and a stored user profile to set an environment specific to the user for the selected transaction request;

receiving a response to the query from the at least one server;

processing the received response, including formatting the received response;

transmitting the processed response to the mobile device, such that the mobile device receives the response in one of a plurality of formats comprising an audible data format, and a visual data format including a touch screen enabled display panel format; and

executing a transaction in response to a received transaction execution request, including communicating with the at least one server using data received from the mobile device, and further comprising automatic payment using the wireless bar code reader device information, automatically entering an item in an inventory database as sold,

enabling the item to be removed from a store, wherein the transaction execution request can be transmitted from a remote position and local position relative to the store.

Claim 50 requires: A method for real time mobile commerce transactions comprising:

receiving a selected transaction request transmitted from a mobile device to a

central server, wherein the selected transaction request comprises an information search request, an information acquisition request, an information comparison request, a price request, a price comparison request, a transaction instruction request, and a transaction execution request, and wherein transmitting the selected transaction request comprises, transmitting using a keyboard, transmitting using audible speech, and transmitting visual data, comprising data in a touch screen enabled display panel format;

receiving in the mobile device information from a radio frequency identification (RFID) tag, wherein the information received from the RFID tag comprises at least one of product identification information, product feature information, price information, product availability information, shipping information and payment information;

setting up at least one customized search engine table to conduct a search by selecting a parameter of interest from the table;

querying at least one server regarding the selected transaction request in response to receiving the selected transaction request wherein the server uses a lookup table and a stored user profile to set an environment specific to the user for the selected transaction request;

receiving a response to the query from the at least one server;

processing the received response, including formatting the received response;

transmitting the processed response to the mobile device, such that the mobile device receives the response in one of a plurality of formats comprising an audible data format, an alpha numeric data format and a visual data format including a touch screen enabled display panel format; and

executing a transaction in response to a received transaction execution request, including communicating with the at least one server using data received from the mobile device, and further comprising automatic payment using the RFID tag information, automatically entering an RFID tagged item in an inventory database as sold, enabling the item to be removed from a store, wherein the transaction execution request can be transmitted from a remote position and local position relative to the store.

Claim 51 requires: A method for real time mobile commerce transactions comprising:

configuring a mobile device for computation, command, control and communication of voice and data information;

the mobile device communicating with a server to transmit and receive data via at least one network using at least one of wired and wireless communication methods using at least one communication protocol on at least one channel of the mobile device,

wherein transmitting comprises, transmitting using a keyboard, transmitting using audible speech, and transmitting visual data that comprises data in a touch screen enabled display panel format; and wherein receiving comprises, receiving using audible speech, using voice, using sound, and receiving using visual data that comprises data in a touch screen enabled display panel format;

receiving transaction information from a plurality of merchant web sites and associated merchant servers wherein the information comprises at least one of product description, product features, product configuration, pricing, shipping, delivery, inventory, payment terms and transaction terms, wherein receiving further comprises receiving in the mobile device information from a coupled RFID tag reader, wherein the information comprises at least one of product identification information, product feature information, and price information, and wherein the RFID tag reader reads the information from a RFID tag chosen from a group comprising an item in proximity to the RFID tag reader and referring to an item not in proximity to the RFID tag reader, wherein the coupled RFID tag reader is one of integrated in the mobile device, and collocated with the mobile device;

setting up at least one customized search engine table to conduct a search by selecting a parameter of interest from the table;

communicating a first transaction request from the mobile device to at least one server related to a first item and archiving data related to the communication in at least one of a lookup table and a database in the mobile device wherein the server uses a lookup table and a stored user profile to set an environment specific to the user for the selected transaction request;

receiving at least one response to the first transaction request from the at least one server related to the first item and archiving data related to the at least one response in at least one of a lookup table and a database in the mobile device;

comparing the transaction request to the at least one server with the transaction response from the at least one server in conjunction with user defined rules, and storing

resulting information in at least one of a lookup table and a database in the mobile device, wherein the comparing is executed in one or more of the mobile device and a server located on the at least one network;

comparing the information provided by the at least one server with information provided by at least one others server for a selected user defined utility, wherein the comparing is executed in one or more of the mobile device and a server located on the at least one network;

evaluating and selecting a server of the at least one servers based on the comparing for execution of a selected transaction related to a selected item, wherein the selection is based on user defined criteria of the comparing for acquisition of a particular item;

communicating a transaction request for the selected transaction to the selected server from the mobile device; and

executing the selected transaction request with the mobile device in conjunction with the selected server, wherein the execution includes at least one payment method selected from a list comprising payment by credit card, payment by a check, payment by debit card, payment via direct debit to a bank account, payment directly charged to an account maintained by the user with the service provider, and payment by debiting an amount from an account maintained by the user within the mobile device, executing further comprising automatic payment using the RFID tag reader device information, automatically entering an item in an inventory database as sold, enabling the item to be removed from a store, wherein a transaction execution request can be transmitted from a remote position and local position relative to the store.

Additionally, new claims 54-62 require additional elements not taught by the cited art.

It is well established that a *prima facie* case of obviousness requires that of all the elements of the claim must be considered and given weight. Because Treyz and Trotta Jr. alone or in combination do not disclose all of the elements of the amended and new claims as recited above, the claims are not rendered obvious by the cited art. Thus, Applicants believe that all independent claims and the claims dependent therefrom are now in condition for

allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. §103.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the appropriate fee and/or petition is not filed herewith and the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to **Deposit Account No. 50-3973** referencing Attorney Docket No. **IPHLNZ00202**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



Steven M. Giovannetti
Registration No. 51,739

Customer No. 40518
Levine Bagade Han LLP
2400 Geng Road, Suite 120
Palo Alto, CA 94303
Direct: (650) 646-2570
Fax: (650) 284-2180